

Assembly Bill No. 623

Passed the Assembly September 11, 2009

Chief Clerk of the Assembly

Passed the Senate September 10, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 5600 of, and to add Section 5600.05 to, the Business and Professions Code, relating to architects.

LEGISLATIVE COUNSEL'S DIGEST

AB 623, Emmerson. Architects: continuing education.

Existing law provides for the licensure and regulation of persons engaged in the practice of architecture by the California Architects Board. Existing law requires a person licensed to practice architecture to complete, as a condition of license renewal, coursework regarding disability access requirements, as specified, to certify that completion, and to provide specified documentation to the board.

This bill would authorize the board to audit the records of a licensee, and, until January 1, 2015, require the board to audit at least 3% of the license renewals received each year, to verify completion of the coursework, and would, commencing with the 2-year license renewal cycle beginning January 1, 2013, require a licensee to provide the specified documentation only upon that audit. The bill would exempt a licensee from these coursework requirements for the licensee's first license renewal in certain circumstances. A licensee who violates these provisions would be subject to a specified civil penalty. The bill would require the board to submit, on or before January 1, 2019, a letter to the Legislature relating to these requirements.

The bill would also authorize the board to require a licensee, as a condition of license renewal, to certify to the board that he or she has completed continuing education in, or relevant to, the practice of architecture in subjects relating to health, safety, and welfare. If the board imposes that requirement, the bill would require the board to adopt regulations establishing requirements relating to continuing education, authorize the board to audit the records of a licensee to verify completion of any continuing education requirements, and require an applicant for license renewal to verify completion of the requisite continuing education hours, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 5600 of the Business and Professions Code is amended to read:

5600. (a) All licenses issued or renewed under this chapter shall expire at 12 midnight on the last day of the birth month of the licenseholder in each odd-numbered year following the issuance or renewal of the license.

(b) To renew an unexpired license, the licenseholder shall, before the time at which the license would otherwise expire, apply for renewal on a form prescribed by the board and pay the renewal fee prescribed by this chapter.

(c) The renewal form shall include a statement specifying whether the licensee was convicted of a crime or disciplined by another public agency during the preceding renewal period and that the licensee's representations on the renewal form are true, correct, and contain no material omissions of fact, to the best knowledge and belief of the licensee.

SEC. 2. Section 5600.05 is added to the Business and Professions Code, to read:

5600.05. (a) (1) As a condition of license renewal, a licensee shall have completed coursework regarding disability access requirements pursuant to paragraphs (2) and (3). A licensee shall certify to the board, as a part of the license renewal process, that he or she has completed the required coursework prior to approval of his or her license renewal and shall, until the conclusion of the license renewal cycle beginning January 1, 2011, provide documentation to the board from the course provider that shall include the course title, subjects covered, name of provider and trainer or educator, date of completion, number of hours completed, and a statement about the trainer or educator's knowledge and experience background. Commencing with the license renewal cycle beginning January 1, 2013, a licensee shall, upon a board audit, provide the documentation from the course provider to the board. A licensee who fails to complete the required coursework or provides false or misleading statements as it relates specifically to the requirements of this paragraph shall be subject to a civil penalty imposed by the board not to exceed five thousand dollars (\$5,000), or license suspension or revocation, or by both civil penalty and license suspension or revocation.

(2) (A) For licenses renewed on and after July 1, 2009, and before January 1, 2010, a licensee shall have completed one hour of coursework.

(B) For licenses renewed on and after January 1, 2010, and before January 1, 2011, a licensee shall have completed two and one-half hours of coursework.

(C) For licenses renewed on and after January 1, 2011, a licensee shall have completed five hours of coursework within the previous two years.

(3) Coursework regarding disability access requirements shall include information and practical guidance concerning requirements imposed by the Americans with Disabilities Act of 1990 (Public Law 101-336; 42 U.S.C. Sec. 12101 et seq.), state laws that govern access to public facilities, and federal and state regulations adopted pursuant to those laws. Coursework provided pursuant to this paragraph shall be presented by trainers or educators with knowledge and expertise in these requirements.

(4) The board may audit the records of a licensee to verify the completion of the coursework requirements of this subdivision. A licensee shall maintain records of completion of the required coursework, containing the information specified in paragraph (1), for two years from the date of license renewal and shall make those records available to the board for auditing upon request.

(5) Until January 1, 2015, the board shall audit at least 3 percent of the license renewals received each year to verify the completion of the continuing education requirements of this subdivision.

(6) Commencing with the license renewal cycle beginning January 1, 2013, a licensee shall be exempt from the coursework requirements set forth in this subdivision for his or her first license renewal if his or her initial license is issued after January 1, 2012, and is renewed within one year of that initial issuance date.

(7) On or before January 1, 2019, the board shall submit a letter to the Legislature on the disability access continuing education provisions required under this subdivision, including the level of licensee compliance with the requirements, any actions taken by the board for noncompliance with the requirements, the findings of board audits, and any recommendations of the board for improving the process.

(b) (1) If the board determines, based upon empirical evidence, that the public health, safety, and welfare would be served by

requiring all architects issued a license under this chapter to complete continuing education, it may require as a condition of license renewal that the licensee certifies to the board, on a form prescribed by the board, that he or she has completed continuing education in, or relevant to, the practice of architecture in subjects relating to health, safety, and welfare during the preceding two years, as determined by the board. The coursework in disability access requirements specified by subdivision (a) shall be applied to the continuing education hours prescribed by the board.

(2) If the board requires continuing education pursuant to paragraph (1), the board shall first, by regulation, prescribe requirements relating to continuing education, including, but not limited to, the required courses and number of hours.

(3) The board may audit the records of a licensee to verify the completion of any continuing education requirements of this subdivision. A licensee shall maintain records of completion of required continuing education coursework for a minimum of two years from the date of license renewal and shall make those records available to the board for auditing upon request.

(c) If the board adopts a continuing education requirement for license renewal as authorized by subdivision (b), an applicant for license renewal shall separately certify on a form prescribed by the board that the applicant has completed the requisite hours of continuing education required by subdivision (b) as a condition of license renewal, and that the requisite hours of continuing education included at least five hours of disability access continuing education as required by subdivision (a).

SEC. 3. It is the intent of the Legislature in enacting this act that any continuing education requirement adopted pursuant to subdivision (b) of Section 5600.05 of the Business and Professions Code shall not conflict with, supplant, or reduce the hours of disability access continuing education required by Section 5600 of the Business and Professions Code as it existed prior to the enactment of this act.

Approved _____, 2009

Governor